

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

**DEREK DURAE,
MELISSA GLASS, and
EDDIE GLASS,**

Defendants.

8:13CR212

ORDER

This matter is before the court on the motion to continue by defendant Eddie Glass (Filing No. 35). Eddie Glass seeks a continuance of the trial of this matter which is scheduled for August 5, 2013. Counsel for Eddie Glass represents Eddie Glass' medical status requires a continuance of thirty (30) days. Counsel represents Eddie Glass will file an affidavit wherein Eddie Glass represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Eddie Glass' counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted and trial will be continued as to all defendants.

IT IS ORDERED:

1. Eddie Glass' motion to continue trial (Filing No. 35) is granted.
2. Trial of this matter as to all defendants is re-scheduled for **September 9, 2013**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 22, 2013, and September 9, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason counsel require additional time to adequately prepare the case and defendant Eddie Glass is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. §§ 3161(h)(7)(A) & (B) and 3161(h)(4).

DATED this 22nd day of July, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge